


CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Examiner Monshipouri at the United States Patent and Trademark Office by facsimile transmission on October 7, 2004 to facsimile telephone number (571) 273-0932.


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(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Friddle <i>et al.</i>	Group Art Unit: 1652
Application No.:	09/940,921	Examiner: M. Monshipouri
Filed:	08/28/2001	
Title:	Novel Human Kinase Proteins and Polynucleotides Encoding the Same	Att Docket No.: LEX-0227-115A

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Commissioner for Patents
Alexandria, VA 22313

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement request made on the telephone on October 6, 2004, to consider the remarks herein and to enter the following amendments.

AMENDMENTS

In the claims:

Please cancel claims 1 and 3-7 entirely without prejudice and without disclaimer. Please add new claims 8-12.

1.(cancelled) An isolated nucleic acid molecule comprising a nucleotide sequence that:

- (a) encodes the amino acid sequence shown in SEQ ID NO:2; and
- (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO:1 or the complement thereof.

2.(original) An isolated nucleic acid molecule comprising a nucleotide sequence encoding the amino acid sequence shown in SEQ ID NO:2.

3.(cancelled)

4.(cancelled)

5.(cancelled)

6.(cancelled)

7.(cancelled)

8.(new) The isolated nucleic acid molecule of Claim 2, wherein said nucleic acid molecule has the sequence of SEQ ID NO:1.

9.(new) An expression vector comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO:2.

10.(new) The expression vector of claim 9 wherein said nucleic acid sequence is that of SEQ ID NO:1.

11.(new) A host cell comprising the expression vector of Claim 9.

12.(new) The host cell of claim 11 wherein said nucleic acid sequence is that of

SEQ ID NO:1.

RESPONSE**I. Restriction Requirement**

The Examiner has determined that the original claims are directed to four separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1-2, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 2 (including SEQ ID NO: 1), classified in class 536, subclass 23.5.
- Group II: Claim 3, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 4, classified in class 536, subclass 23.5.
- Group III: Claims 4, 5 and 6 allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 7, classified in class 536, subclass 23.5.
- Group IV: Claim 7, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 9, classified in class 536, subclass 23.5.

II. Response to Restriction Requirement

In response to the Restriction Requirement delivered over the telephone on October 6, 2004 Applicants elect with without traverse to prosecute the claims of Group I (Claims 1-2, allegedly drawn to an isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence of SEQ ID NO: 2 (including SEQ ID NO: 1), classified in class 536, subclass 23.5.). Applicants further elect, pursuant to 35 U.S.C. § 121, the species of SEQ ID NO: 1 (and the amino acid sequence it encodes, SEQ ID NO: 2 for initial examination on the merits. Elected claim 2, and